

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLYDE LANDRY	\$
	\$
Plaintiff,	\$
	\$
v.	\$ CIVIL ACTION NO. 4: _____
	\$
ENGLOBAL CONSTRUCTION	\$
RESOURCES, INC., dba	\$
ENGLOBAL INSPECTION SERVICES,	\$
INC., A WHOLLY OWNED	\$
SUBSIDIARY OF ENGLOBAL	\$
CORPORATION,	\$
	\$
Defendant.	\$

ORIGINAL COMPLAINT

SUMMARY OF SUIT

1. ENGglobal Construction Resources, Inc., dba ENGlogal Inspection Services, Inc., a wholly owned subsidiary of ENGglobal Corporation (collectively, "ENGglobal"), is a provider of engineering, automation systems, field inspection, and land management and regulatory services mainly to the petroleum refining, petrochemical pipeline, production and process industries throughout the United States and internationally. ENGglobal does not pay its non-exempt employees time-and-a-half overtime wages. Instead, these employees are paid a daily rate regardless of the number of hours worked in a workweek.

2. Based on the foregoing, Plaintiff Clyde Landry ("Landry") brings this action to recover unpaid overtime wages, liquidated damages, and attorneys' fees owed to him under the Fair Labor Standards Act, 29 U.S.C. § 216(b) (2010) (the "FLSA").

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under 29 U.S.C. Section 216(b) (2010) and 28 U.S.C. Sections 1331 and 1367 (2010).

4. Landry brings this complaint in the district in which ENGglobal is headquartered and resides. As such, venue is proper in this district pursuant to 28 U.S.C. § 1391(b) (2010).

THE PARTIES

5. Landry was employed by ENGglobal within the meaning of the FLSA during the three (3) year period preceding the filing of this complaint. Landry worked as a pipeline welding inspector for workweeks far in excess of forty (40) hours per week. In performing his duties, Landry engaged in commerce or in the production of goods for commerce.

6. ENGglobal, headquartered in Houston, Texas, is an enterprise engaged in commerce or the production of goods for commerce and has acted, directly or indirectly, in the interest of an employer with respect to Landry. ENGglobal's corporate headquarters are located at 654 N. Sam Houston Parkway E., Suite 400, Houston, Texas 77060-5914. ENGglobal may be served with process by serving its registered agent, Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701.

BACKGROUND

7. ENGglobal is an established worldwide provider of services to petroleum refining, petrochemical pipeline, production and

process industries throughout the United States and internationally. ENGglobal employs numerous employees to perform these services. ENGglobal operates through two (2) business segments, engineering and systems.

8. Landry, a pipeline welding inspector employed by ENGglobal to physically inspect pipeline welding work in the field or on site, worked far in excess of forty (40) hours per week. However, Landry was not paid at one and one-half times his regular rates for hours worked in excess of forty (40) hours each workweek. Instead, ENGglobal paid Landry, a non-exempt employee, the same daily rate regardless of the total number of hours worked in excess of forty (40) hours per workweek.

LANDRY'S ALLEGATIONS

9. Although Landry worked more than forty (40) hours per week, he was not compensated for his overtime hours at one and one-half times his regular rate. Rather, Landry was paid less than his regular hourly rate for all overtime hours worked. In other words, Landry did not receive time-and-a-half for overtime compensation.

10. As a non-exempt employee, Landry was entitled to be paid time-and-a-half for all hours worked in excess of forty hours in a workweek. 29 U.S.C. § 207(a) (2010). Accordingly, ENGglobal's practice of failing to pay Landry overtime compensation is a clear violation of the FLSA.

11. No exemption excuses ENGglobal from paying Landry overtime

rates for hours worked over forty (40) hours. Nor has ENGglobal made a good faith effort to comply with the FLSA. Instead, ENGglobal knowingly, wilfully, or with reckless disregard carried out its illegal pattern or practice regarding overtime compensation with respect to ENGglobal's employees.

CAUSES OF ACTION

A. Violations of the FLSA

12. Landry incorporate all allegations contained in paragraphs 1 through 11.

13. ENGglobal's practice of failing to pay Landry at time-and-one-half his regular hourly rate was and is in violation of the FLSA.

14. Accordingly, Landry is entitled to overtime pay in an amount which is one and one-half times his regular hourly rates.

15. Additionally, Landry is entitled to an amount equal to all his unpaid overtime wages as liquidated damages.

16. Additionally, Landry is entitled reasonable attorneys' fees and costs of this action. 29 U.S.C. § 216(b) (2010).

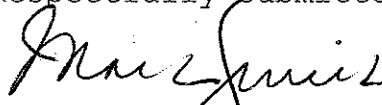
PRAYER

WHEREFORE, Landry requests that this Court award Landry judgment against Defendant ENGglobal Construction Resources, Inc., dba ENGlogal Inspection Services, Inc., a wholly owned subsidiary of ENGglobal Corporation, for:

- a. damages for the full amount of his unpaid overtime compensation;

- b. an amount equal to his unpaid overtime compensation as liquidated damages;
- c. reasonable attorneys' fees, costs and expenses of this action;
- d. pre-judgment interest and post-judgment interest at the highest rates allowable by law; and
- e. such other and further relief as may be allowed by law.

Respectfully submitted,



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